

ORDINANCE NO. _____

AN ORDINANCE REZONING AND CHANGING THE ZONING MAP FOR THE PROPERTY LOCATED AT 4713 EAST CESAR CHAVEZ STREET IN THE GOVALLE/JOHNSTON TERRACE COMBINED NEIGHBORHOOD PLAN AREA FROM GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT TO GENERAL COMMERCIAL SERVICES-MIXED USE-CONDITIONAL OVERLAY-NEIGHBORHOOD PLAN (CS-MU-CO-NP) COMBINING DISTRICT.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. The zoning map established by Section 25-2-191 of the City Code is amended to change the base district from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district on the property described in Zoning Case No. C14-2018-0042, on file at the Planning and Zoning Department, as follows:

1.0882 acres (47,402 square feet) more or less, of the Jesse C. Tannehill Survey No. 29, Abstract No. 22, in Travis County, Texas, the tract of land being more, particularly described by metes and bounds in **Exhibit "A"** incorporated into this ordinance (the "Property"),

locally known as 4713 East Cesar Chavez Street in the City of Austin, Travis County, Texas, generally identified in the map attached as **Exhibit "B"**.

PART 2. The Property within the boundaries of the conditional overlay combining district established by this ordinance is subject to the following conditions:

- A. Drive-in service as an accessory use to commercial uses is a conditional use on the Property.
- B. The following uses are prohibited uses on the Property:

Adult oriented businesses
Kennels
Pawn shop services

Campground
Laundry services
Residential treatment

Vehicle storage

C. The following uses are conditional uses of the Property:

Agricultural sales and services

Automotive repair services

Automotive washing (of any type)

Commercial off-street parking

Equipment sales

Limited warehousing and
distribution

Automotive rentals

Automotive sales

Building maintenance services

Construction sales and services

Equipment repair services

PART 3. Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) base district, the mixed use (MU) combining district and other applicable requirements of the City Code.

PART 4. The Property is subject to Ordinance No. 030327-11a that established zoning for the Govalle Neighborhood Plan.

PART 5. This ordinance takes effect on _____, 2018.

PASSED AND APPROVED

_____, 2018 §
 §
 §

Steve Adler
Mayor

APPROVED: _____ **ATTEST:** _____

Anne L. Morgan
City Attorney

Jannette S. Goodall
City Clerk



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Legal Description

BEING A DESCRIPTION OF A TRACT OF LAND CONTAINING 1.0882 ACRES (47,402 SQUARE FEET), MORE OR LESS, OUT OF THE JESSE C. TANNEHILL SURVEY NO. 29, ABSTRACT NO. 22, IN TRAVIS COUNTY, TEXAS, BEING ALL OF A CALLED 1.09 ACRE TRACT CONVEYED TO MICHAEL J. KUHN, RECORDED IN VOLUME 7598, PAGE 433 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS (D.R.T.C.T.), DESCRIBED BY METES AND BOUNDS IN VOLUME 978, PAGE 221 (D.R.T.C.T.), SAVE AND EXCEPT A CALLED 285 SQUARE FOOT TRACT CONVEYED TO THE CITY OF AUSTIN FOR RIGHT OF WAY PURPOSES, RECORDED IN VOLUME 5947, PAGE 2034 (D.R.T.C.T.), SAID 1.0882 ACRES BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (ALL BEARINGS ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, GRID NORTH, CENTRAL ZONE (4203), ALL DISTANCES WERE ADJUSTED TO SURFACE USING A COMBINED SCALE FACTOR OF L000055186454):

BEGINNING, at a railroad spike found in the south right-of-way line of East Cesar Chavez Street (100' right-of-way), and being at the northwest corner of a called 0.26 acre tract conveyed to Startex First Equipment, Ltd., conveyed in Document #2006089672 of the Official Public Records of Travis County, Texas (O.P.R.T.C.T.), and being the northeast corner of said Kuhn tract, for the northeast corner and POINT OF BEGINNING hereof, from which a railroad spike found in the south right-of-way line of said East Cesar Chavez Street, and being the northwest corner of a called 0.572 acre tract conveyed to Lafitte Ventures, LLC, and recorded in Document #2012158620 (O.P.R.T.C.T.), and being the northeast corner of said Startex tract bears, S84°57'10"E, a distance of 74.85 feet;

THENCE, leaving the south right-of-way line of said East Cesar Chavez Street, with the common line of said Startex tract and said Kuhn tract, S19°49'06"W, a distance of 149.90 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the southeast corner hereof, said point being in the north right-of-way line of Red Bluff Road (right-of-way varies), and being the common south corner of said Startex tract and said Kuhn tract, from which a railroad spike found in the north right-of-way line of said Red Bluff Road, and being at the common south corner of said Arkie's tract and said Startex tract bears, S78°12'30"E, a distance of 75.19 feet;

THENCE, with the north right-of-way line of said Red Bluff Road and the south line of said Kuhn tract, the following five (5) courses and distances:

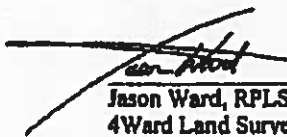
- 1) N78°47'05"W, a distance of 13.75 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 2) N75°09'10"W, a distance of 100.00 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 3) N72°29'10"W, a distance of 100.00 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof,
- 4) N69°33'10"W, a distance of 100.00 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof, and
- 5) N67°21'10"W, a distance of 209.16 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the southwest corner hereof, said point being in the north right-of-way line of said Red Bluff Road, and being in the south line of said Kuhn tract, and being at the southeast corner of said 285 square foot City of Austin tract;

Exhibit A

THENCE, leaving the north right-of-way line of said Red Bluff Road and the south line of said Kuhn tract, with the east line of said 285 square foot City of Austin tract, N22°38'31"E, a distance of 14.24 feet to a 1/2-inch iron rod with "Ward-5811" cap set for the northwest corner hereof, said point being in the south right-of-way line of said East Cesar Chavez Street, and being in the north line of said Kuhn tract, and being the northeast corner of said 285 square foot City of Austin tract;

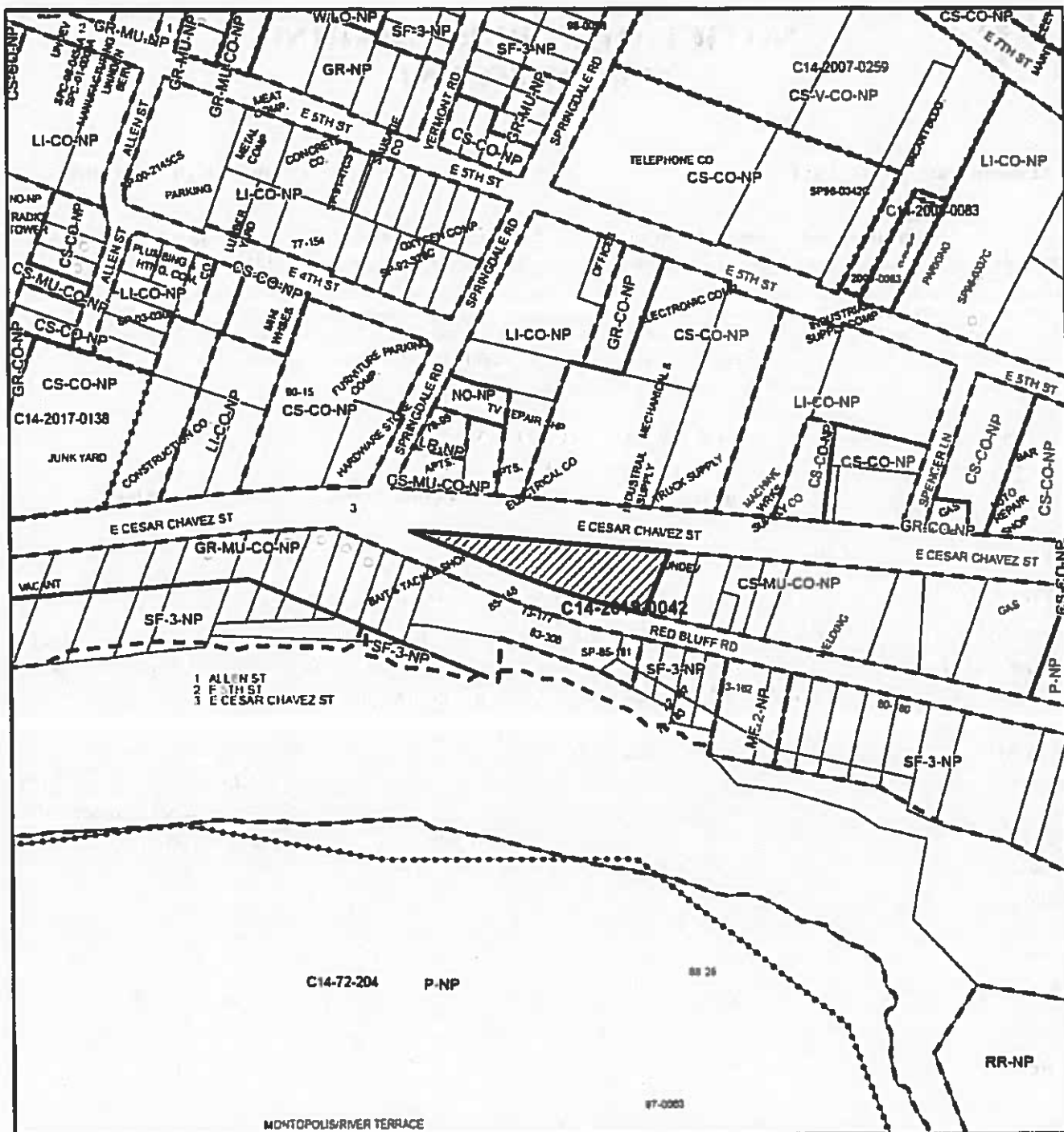
THENCE, with the south right-of-way line of said East Cesar Chavez Street and the north line of said Kuhn tract, the following two (2) courses and distances:

- 1) S86°57'10"E, a distance of 42.54 feet to a 1/2-inch iron rod with "Ward-5811" cap set for an angle point hereof, and
- 2) S84°57'10"E, a distance of 497.03 feet to the **POINT OF BEGINNING** and containing 1.0882 Acres (47,402 Square Feet) of land, more or less.

 4/3/2014
Jason Ward, RPLS #5811
4Ward Land Surveying, LLC



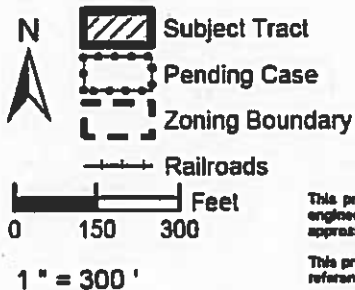
11-GF# 201400848 JJR
RETURN TO: HERITAGE TITLE
401 CONGRESS, SUITE 1500
AUSTIN, TEXAS 78701



ZONING

Case#: C14-2018-0042

Exhibit B



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Zoning Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



Created: 4/30/2018